

MINUTE ITEM

28. CANCELLATION OF APPLICATION NO. 5492, SACRAMENTO LAND DISTRICT, HUMBOLDT COUNTY, CLARENCE E. FOSTER - S.W.O. 7690.

After consideration of Calendar Item 15 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO CANCEL THE APPLICATION OF CLARENCE E. FOSTER TO PURCHASE THE SE $\frac{1}{4}$  OF SE $\frac{1}{4}$  OF SECTION 27, T. 1 S., R. 1 W., H.M., CONTAINING 40 ACRES IN HUMBOLDT COUNTY (APPLICATION NO. 5492, SACRAMENTO LAND DISTRICT - S.W.O. 7690) AND TO REFUND DEPOSITS LESS EXPENSES INCURRED TO DATE OF CANCELLATION.

Attachment

Calendar Item 15 (1 page)

CALENDAR ITEM

15.

CANCELLATION OF APPLICATION NO. 5492, SACRAMENTO LAND DISTRICT, HUMBOLDT COUNTY, CLARENCE E. FOSTER - S.W.O. 7690.

On May 12, 1960, an offer was received from Clarence E. Foster of San Diego, California, to purchase the SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 27, T. 1 S., R. 1 W., H.M., containing 40 acres in Humboldt County, for \$200, or \$5 per acre.

Section 1903(b) of Title 2, Division 3, California Administrative Code (rules and regulations of the State Lands Commission) provides as follows: "In addition to this filing fee, an expense deposit shall be made in an amount sufficient to cover the costs of the commission in processing the application. This deposit shall be in the amounts specified in the separate articles hereof. Should such initial expense deposit be insufficient to cover said costs, the applicant shall deposit with the commission within 20 days following receipt of written notice, such additional sum as may be specified. Failure to so deposit shall be considered cause for cancellation of the application."

The minimum required expense deposit of \$100 was submitted by the applicant at the time of filing of his original application. By letter dated August 9, 1960, the applicant was requested to submit, as a supplemental expense deposit, the sum of \$628, the amount estimated as needed to cover all costs for processing his application, including inspection, cruise and appraisal of merchantable timber, publication, patent fees and other incidental expenses connected therewith. A certified return-receipt card of the United States Postal Department shows delivery of the letter on August 11, 1960. To date the applicant has not deposited the requested sum of \$628. Therefore it appears in order for the Commission to order cancellation of the application, in accordance with the provisions of Section 1903(b) quoted above.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO CANCEL THE APPLICATION OF CLARENCE E. FOSTER TO PURCHASE THE SE $\frac{1}{4}$  OF SE $\frac{1}{4}$  OF SECTION 27, T. 1 S., R. 1 W., H.M., CONTAINING 40 ACRES IN HUMBOLDT COUNTY (APPLICATION NO. 5492, SACRAMENTO LAND DISTRICT - S.W.O. 7690) AND TO REFUND DEPOSITS LESS EXPENSES INCURRED TO DATE OF CANCELLATION.